



#14/ald 2631

CUSTOMER NO. 22186

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Attorney Docket No. Wang 2

In re application of: Zhenyu Wang

Serial No.: 09/324,304

Group Art Unit: 2631

Filed: 06/02/99

Examiner: Bayard, Emmanuel

Matter No.: 992.1077

Phone No.: 703-308-9573

For: Constellation Design for Modem Receiver

PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(a)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

NOV 26 2003

Technology Center 2600

Dear Sir:

This petition is filed in response to the office communication of 11/03/03.

* * * * *

Certification Under 37 CFR 1.8

Date of Deposit November 21, 2003

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail under 37 CFR 1.8 on the date indicated above and is addressed to the Commissioner for Patents, Alexandria, VA 22313-1450.

Amy Laudenslager
(Name of person mailing)

Amy Laudenslager
(Signature of person mailing)

The office communication of 11/03/2003 is a Notice of Abandonment for Applicant's failure to timely file a proper reply to the Office letter mailed on 03/07/2003. The Applicant submits that this action was improper and hereby requests withdrawal of holding of abandonment.

The Office letter of 03/07/2003 was an advisory action informing the Applicant that the amendment filed on 02/08/2003 in response to the final office action of 12/23/2002 would not be entered. On 03/17/2003, the Applicant's attorney Steve Mendelsohn and agent Yuri Gruzdkov participated in a telephonic interview with Examiner Demetria Williams and Supervisory Examiner Chi Pham, in which it was agreed that, notwithstanding the advisory action, the amendment would be entered. Following the interview, the Applicant received an Office communication mailed on 03/19/2003, a copy of which is provided herewith. In the relevant part, this communication stated that "The finality of the rejection submitted to Applicant's representative on December 23, 2002 has been withdrawn. A new office action is forthcoming."

In view of the above-stated facts and pursuant to MPEP § 711.03(c)(I), the Applicant submits that the Office communication of 03/19/2003 stopped the clock running against the Applicant for filing a response to the final office action of 12/23/2002 and that the application is not in fact abandoned. It is therefore submitted that the Notice of Abandonment was improper and the holding of abandonment should be withdrawn.

Respectfully submitted,



Yuri Gruzdkov
Registration No. 50,762
Agent for Applicant
(215) 557-8544 (phone)
(215) 557-8477 (fax)

Date: 11/21/03
Customer No. 22186
Mendelsohn & Associates, P.C.
1515 Market Street, Suite 715
Philadelphia, Pennsylvania 19102



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/324,304	06/02/1999	ZHENYU WANG	CASE2	1360

22186 7590 03/19/2003

MENDELSON AND ASSOCIATES PC
1515 MARKET STREET
SUITE 715
PHILADELPHIA, PA 19102



EXAMINER	
WILLIAMS, DEMETRIA A	
ART UNIT	PAPER NUMBER

DATE MAILED: 03/19/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

NOV 26 2003

Technology Center 2600



Interview Summary

Application No.

09/324,304

Applicant(s)

WANG, ZHENYU

Examiner

Demetria A. Williams

Art Unit

2631

All participants (applicant, applicant's representative, PTO personnel):

(1) Demetria A. Williams.

(3) _____

(2) Chi Pham.

(4) _____

Date of Interview: 3/17/03

Type: a) ☐ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: _____

Claim(s) discussed: _____

Identification of prior art discussed: _____

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The finality of the rejection submitted to Applicant's representative on December 23, 2002 has been withdrawn. A new office action is forthcoming.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

CHI PHAM

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Examiner's signature, if required

3/17/03